

[amending sections 1244 and 1249 of this title] shall be effective on October 1, 1981. Notwithstanding any other provision of this Act, authority to enter into contracts, to incur obligations, or to make payments under this Act shall be effective only to the extent, and in such amounts, as are provided in advance in appropriation Acts.”

### § 1250. Volunteer trails assistance

#### (a) Volunteer planning, development, maintenance, and management of trails

(1) In addition to the cooperative agreement and other authorities contained in this chapter, the Secretary of the Interior, the Secretary of Agriculture, and the head of any Federal agency administering Federal lands, are authorized to encourage volunteers and volunteer organizations to plan, develop, maintain, and manage, where appropriate, trails throughout the Nation.

(2) Wherever appropriate in furtherance of the purposes of this chapter, the Secretaries are authorized and encouraged to utilize the Volunteers in the Parks Act of 1969 [16 U.S.C. 18g et seq.], the Volunteers in the Forests Act of 1972 [16 U.S.C. 558a et seq.], and section 4607-8 of this title (relating to the development of Statewide Comprehensive Outdoor Recreation Plans).

#### (b) Scope of volunteer work

Each Secretary or the head of any Federal land managing agency may assist volunteers and volunteer organizations in planning, developing, maintaining, and managing trails. Volunteer work may include, but need not be limited to—

(1) planning, developing, maintaining, or managing (A) trails which are components of the national trails system, or (B) trails which, if so developed and maintained, could qualify for designation as components of the national trails system; or

(2) operating programs to organize and supervise volunteer trail building efforts with respect to the trails referred to in paragraph (1), conducting trail-related research projects, or providing education and training to volunteers on methods of trails planning, construction, and maintenance.

#### (c) Use of Federal facilities, equipment, tools, and technical assistance

The appropriate Secretary or the head of any Federal land managing agency may utilize and make available Federal facilities, equipment, tools, and technical assistance to volunteers and volunteer organizations, subject to such limitations and restrictions as the appropriate Secretary or the head of any Federal land managing agency deems necessary or desirable.

(Pub. L. 90-543, §11, as added Pub. L. 98-11, title II, §210, Mar. 28, 1983, 97 Stat. 49.)

#### REFERENCES IN TEXT

The Volunteers in the Parks Act of 1969, referred to in subsec. (a)(2), is Pub. L. 91-357, July 29, 1970, 84 Stat. 472, as amended, which is classified generally to subchapter II (§18g et seq.) of chapter 1 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 18g of this title and Tables.

The Volunteers in the Forests Act of 1972, referred to in subsec. (a)(2), probably means the Volunteers in the

National Forests Act of 1972, Pub. L. 92-300, May 18, 1972, 86 Stat. 147, as amended, which is classified generally to section 558a et seq. of this title. For complete classification of this Act to the Code, see Short Title note set out under section 558a of this title and Tables.

### § 1251. Definitions

As used in this chapter:

(1) The term “high potential historic sites” means those historic sites related to the route, or sites in close proximity thereto, which provide opportunity to interpret the historic significance of the trail during the period of its major use. Criteria for consideration as high potential sites include historic significance, presence of visible historic remnants, scenic quality, and relative freedom from intrusion.

(2) The term “high potential route segments” means those segments of a trail which would afford high quality recreation experience in a portion of the route having greater than average scenic values or affording an opportunity to vicariously share the experience of the original users of a historic route.

(3) The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and any other territory or possession of the United States.

(4) The term “without expense to the United States” means that no funds may be expended by Federal agencies for the development of trail related facilities or for the acquisition of lands or interests in lands outside the exterior boundaries of Federal areas. For the purposes of the preceding sentence, amounts made available to any State or political subdivision under the Land and Water Conservation Fund Act of 1965 [16 U.S.C. 4607-4 et seq.] or any other provision of law shall not be treated as an expense to the United States.

(Pub. L. 90-543, §12, as added Pub. L. 98-11, title II, §210, Mar. 28, 1983, 97 Stat. 50.)

#### REFERENCES IN TEXT

The Land and Water Conservation Fund Act of 1965, referred to in par. (4), is Pub. L. 88-578, Sept. 3, 1964, 78 Stat. 897, as amended, which is classified generally to part B (§4607-4 et seq.) of subchapter LXIX of chapter 1 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4607-4 of this title and Tables.

#### TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

### CHAPTER 27A—NATIONAL RECREATIONAL TRAILS FUND

Sec.

1261. National recreational trails funding program.

- (a) In general.
- (b) Statement of intent.
- (c) State eligibility.
- (d) Allocation of moneys in Fund.
- (e) Use of allocated moneys.
- (f) Coordination of activities.

Sec.

- (g) Definitions.
1262. National Recreational Trails Advisory Committee.
- (a) Establishment.
- (b) Members.
- (c) Chairman.
- (d) Support for committee action.
- (e) Terms.
- (f) Duties.
- (g) Annual report.
- (h) Reimbursement for expenses.
- (i) Report to Congress.

**§ 1261. National recreational trails funding program**

**(a) In general**

The Secretary, in consultation with the Secretary of the Interior, using amounts available in the Fund, shall administer a program allocating moneys to the States for the purposes of providing and maintaining recreational trails.

**(b) Statement of intent**

Moneys made available under this chapter are to be used on trails and trail-related projects which have been planned and developed under the otherwise existing laws, policies and administrative procedures within each State, and which are identified in, or which further a specific goal of, a trail plan included or referenced in a Statewide Comprehensive Outdoor Recreation Plan required by the Land and Water Conservation Fund Act [16 U.S.C. 4601-4 et seq.].

**(c) State eligibility**

**(1) Transitional provision**

Until the date that is 3 years after December 18, 1991, a State shall be eligible to receive moneys under this chapter<sup>1</sup> only if such State's application proposes to use the moneys as provided in subsection (e) of this section.

**(2) Permanent provision**

On and after the date that is three years after December 18, 1991, a State shall be eligible to receive moneys under this chapter only if—

(A) a recreational trail advisory board on which both motorized and nonmotorized recreational trail users are represented exists within the State;

(B) in the case of a State that imposes a tax on nonhighway recreational fuel, the State by law reserves a reasonable estimation of the revenues from that tax for use in providing and maintaining recreational trails;

(C) the Governor of the State has designated the State official or officials who will be responsible for administering moneys received under this chapter<sup>1</sup>; and

(D) the State's application proposes to use moneys received under this chapter as provided in subsection (e) of this section.

**(d) Allocation of moneys in Fund**

**(1) Administrative costs**

No more than 3 percent of the expenditures made annually from the Fund may be used to pay the cost to the Secretary for—

(A) approving applications of States for moneys under this chapter;

(B) paying expenses of the National Recreational Trails Advisory Committee;

(C) conducting national surveys of non-highway recreational fuel consumption by State, for use in making determinations and estimations pursuant to this chapter; and

(D) if any such funds remain unexpended, research on methods to accommodate multiple trail uses and increase the compatibility of those uses, information dissemination, technical assistance, and preparation of a national trail plan as required by the National Trails System Act (16 U.S.C. 1241 et al).

**(2) Allocation to States**

**(A) Amount**

Amounts in the Fund remaining after payment of the administrative costs described in paragraph (1), shall be allocated and paid to the States annually in the following proportions:

**(i) Equal amounts**

50 percent of such amounts shall be allocated equally among eligible States.

**(ii) Amounts proportionate to nonhighway recreational fuel use**

50 percent of such amounts shall be allocated among eligible States in proportion to the amount of nonhighway recreational fuel use during the preceding year in each such State, respectively.

**(B) Use of data**

In determining amounts of nonhighway recreational fuel use for the purpose of subparagraph (A)(ii), the Secretary may consider data on off-highway vehicle registrations in each State.

**(3) Limitation on obligations**

The provisions of paragraphs (1) and (2) notwithstanding, the total of all obligations for recreational trails under this section shall not exceed—

(A) \$30,000,000 for fiscal year 1992;

(B) \$30,000,000 for fiscal year 1993;

(C) \$30,000,000 for fiscal year 1994;

(D) \$30,000,000 for fiscal year 1995;

(E) \$30,000,000 for fiscal year 1996; and

(F) \$30,000,000 for fiscal year 1997.

**(e) Use of allocated moneys**

**(1) Permissible uses**

A State may use moneys received under this chapter for—

(A) in an amount not exceeding 7 percent of the amount of moneys received by the State, administrative costs of the State;

(B) in an amount not exceeding 5 percent of the amount of moneys received by the State, operation of environmental protection and safety education programs relating to the use of recreational trails;

(C) development of urban trail linkages near homes and workplaces;

(D) maintenance of existing recreational trails, including the grooming and maintenance of trails across snow;

<sup>1</sup> See References in Text note below.

(E) restoration of areas damaged by usage of recreational trails and back country terrain;

(F) development of trail-side and trail-head facilities that meet goals identified by the National Recreational Trails Advisory Committee;

(G) provision of features which facilitate the access and use of trails by persons with disabilities;

(H) acquisition of easements for trails, or for trail corridors identified in a State trail plan;

(I) acquisition of fee simple title to property from a willing seller, when the objective of the acquisition cannot be accomplished by acquisition of an easement or by other means;

(J) construction of new trails on State, county, municipal, or private lands, where a recreational need for such construction is shown; and

(K) only as otherwise permissible, and where necessary and required by a State Comprehensive Outdoor Recreation plan,<sup>2</sup> construction of new trails crossing Federal lands, where such construction is approved by the administering agency of the State, and the Federal agency or agencies charged with management of all impacted lands, such approval to be contingent upon compliance by the Federal agency with all applicable laws, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended (16 U.S.C. 1600 et seq.), and the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.).

**(2) Use not permitted**

A State may not use moneys received under this chapter for—

(A) condemnation of any kind of interest in property;

(B)(i) construction of any recreational trail on National Forest System lands for motorized uses unless such lands—

(I) have been allocated for uses other than wilderness by an approved Forest land and resource management plan or have been released to uses other than wilderness by an Act of Congress, and

(II) such construction is otherwise consistent with the management direction in such approved land and resource management plan; or

(ii) construction of any recreational trail on Bureau of Land Management lands for motorized uses unless such lands—

(I) have been allocated for uses other than wilderness by an approved Bureau of Land Management resource management plan or have been released to uses other than wilderness by an Act of Congress, and

(II) such construction is otherwise consistent with the management direction in such approved management plans; or

(C) upgrading, expanding, or otherwise facilitating motorized use or access to trails

predominantly used by non-motorized trail users and on which, as of May 1, 1991, motorized use is either prohibited or has not occurred.

**(3) Grants**

**(A) In general**

A State may provide moneys received under this chapter to make grants to private individuals, organizations, city and county governments, and other government entities as approved by the State after considering guidance from the recreational trail advisory board satisfying the requirements of subsection (c)(2)(A) of this section, for uses consistent with this section.

**(B) Compliance**

A State that issues such grants under subparagraph (A) shall establish measures to verify that recipients comply with the specified conditions for the use of grant moneys.

**(4) Assured access to funds**

Except as provided under paragraphs (6) and (8)(B), not less than 30 percent of the moneys received annually by a State under this chapter shall be reserved for uses relating to motorized recreation, and not less than 30 percent of those moneys shall be reserved for uses relating to non-motorized recreation.

**(5) Diversified trail use**

**(A) Requirement**

To the extent practicable and consistent with other requirements of this section, a State shall expend moneys received under this chapter in a manner that gives preference to project proposals which—

(i) provide for the greatest number of compatible recreational purposes including, but not limited to, those described under the definition of “recreational trail” in subsection (g)(5) of this section; or

(ii) provide for innovative recreational trail corridor sharing to accommodate motorized and non-motorized recreational trail use.

This paragraph shall remain effective until such time as a State has allocated not less than 40 percent of moneys received under this chapter in the aforementioned manner.

**(B) Compliance**

The State shall receive guidance for determining compliance with subparagraph (A) from the recreational trail advisory board satisfying the requirements of subsection (c)(2)(A) of this section.

**(6) Small State exclusion**

Any State with a total land area of less than 3,500,000 acres, and in which nonhighway recreational fuel use accounts for less than 1 percent of all such fuel use in the United States, shall be exempted from the requirements of paragraph (4) of this subsection upon application to the Secretary by the State demonstrating that it meets the conditions of this paragraph.

**(7) Continuing recreational use**

At the option of each State, moneys made available pursuant to this chapter may be

<sup>2</sup>So in original. Probably should be capitalized.

treated as Land and Water Conservation Fund moneys for the purposes of section 6(f)(3) of the Land and Water Conservation Fund Act [16 U.S.C. 4607-8(f)(3)].

**(8) Return of moneys not expended**

(A) Except as provided in subparagraph (B), moneys paid to a State that are not expended or dedicated to a specific project within 4 years after receipt for the purposes stated in this subsection shall be returned to the Fund and shall thereafter be reallocated under the formula stated in subsection (d) of this section.

(B) If approved by the State recreational trail advisory board satisfying the requirements of subsection (c)(2)(A) of this section, may<sup>3</sup> be exempted from the requirements of paragraph (4) and expended or committed to projects for purposes otherwise stated in this subsection for a period not to extend beyond 4 years after receipt, after which any remaining moneys not expended or dedicated shall be returned to the Fund and shall thereafter be reallocated under the formula stated in subsection (d) of this section.

**(f) Coordination of activities**

**(1) Cooperation by Federal agencies**

Each agency of the United States Government that manages land on which a State proposes to construct or maintain a recreation trail pursuant to this chapter is encouraged to cooperate with the State and the Secretary in planning and carrying out the activities described in subsection (e) of this section. Nothing in this chapter diminishes or in any way alters the land management responsibilities, plans and policies established by such agencies pursuant to other applicable laws.

**(2) Cooperation by private persons**

**(A) Written assurances**

As a condition to making available moneys for work on recreational trails that would affect privately owned land, a State shall obtain written assurances that the owner of the property will cooperate with the State and participate as necessary in the activities to be conducted.

**(B) Public access**

Any use of a State's allocated moneys on private lands must be accompanied by an easement or other legally binding agreement that ensures public access to the recreational trail improvements funded by those moneys.

**(g) Definitions**

For the purposes of this section—

**(1) Eligible State**

The term “eligible State” means a State that meets the requirements stated in subsection (c) of this section.

**(2) Fund**

The term “Fund” means the National Recreational Trails Trust Fund established by section 9511 of title 26.

**(3) Nonhighway recreational fuel**

The term “nonhighway recreational fuel” has the meaning stated in section 9503(c)(6) of title 26.

**(4) Secretary**

The term “Secretary” means the Secretary of Transportation.

**(5) Recreational trail**

The term “recreational trail” means a thoroughfare or track across land or snow, used for recreational purposes such as bicycling, cross-country skiing, day hiking, equestrian activities, jogging or similar fitness activities, trail biking, overnight and long-distance backpacking, snowmobiling, aquatic or water activity and vehicular travel by motorcycle, four-wheel drive or all-terrain off-road vehicles, without regard to whether it is a “National Recreation Trail” designated under section 4 of the National Trails System Act (16 U.S.C. 1243).

**(6) Motorized recreation**

The term “motorized recreation” may not include motorized conveyances used by persons with disabilities, such as self-propelled wheelchairs, at the discretion of each State.

(Pub. L. 102-240, title I, §1302, Dec. 18, 1991, 105 Stat. 2064.)

REFERENCES IN TEXT

The Land and Water Conservation Fund Act, referred to in subsec. (b), probably means the Land and Water Conservation Fund Act of 1965, Pub. L. 88-578, Sept. 3, 1964, 78 Stat. 897, as amended, which is classified generally to part B (§4607-4 et seq.) of subchapter LXIX of chapter 1 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4607-4 of this title and Tables.

This chapter, referred to in subsec. (c)(1), (2)(C), was in the original “this Act”, and was translated as reading “this part” meaning part B of title I of Pub. L. 102-240, which enacted this chapter, to reflect the probable intent of Congress.

The National Trails System Act, referred to in subsec. (d)(1)(D), is Pub. L. 90-543, Oct. 2, 1968, 82 Stat. 919, as amended, which is classified generally to chapter 27 (§1241 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1241 of this title and Tables.

The National Environmental Policy Act, referred to in subsec. (e)(1)(K), probably means the National Environmental Policy Act of 1969, Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

The Forest and Rangeland Renewable Resources Planning Act of 1974, referred to in subsec. (e)(1)(K), is Pub. L. 93-378, Aug. 17, 1974, 88 Stat. 476, as amended, which is classified generally to subchapter I (§1600 et seq.) of chapter 36 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1600 of this title and Tables.

The Federal Land Policy and Management Act, referred to in subsec. (e)(1)(K), probably means the Federal Land Policy and Management Act of 1976, Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, as amended, which is classified principally to chapter 35 (§1701 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 43 and Tables.

<sup>3</sup>So in original. Probably should be “moneys paid to a State may”.

## SHORT TITLE

Section 1301 of Pub. L. 102-240 provided that: "This part [part B (§§ 1301-1303) of title I of Pub. L. 102-240, enacting this chapter] may be cited as the 'Symms National Recreational Trails Act of 1991'."

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1262 of this title; title 26 sections 9503, 9511.

### § 1262. National Recreational Trails Advisory Committee

#### (a) Establishment

There is established the National Recreational Trails Advisory Committee.

#### (b) Members

There shall be 11 members of the advisory committee, consisting of—

(1) 8 members appointed by the Secretary from nominations submitted by recreational trail user organizations, one each representing the following recreational trail uses:

- (A) hiking,
- (B) cross-country skiing,
- (C) off-highway motorcycling,
- (D) snowmobiling,
- (E) horseback riding,
- (F) all-terrain vehicle riding,
- (G) bicycling, and
- (H) four-wheel driving;

(2) an appropriate official of government with a background in science or natural resources management, including any official of State or local government, designated by the Secretary;

(3) 1 member appointed by the Secretary from nominations submitted by water trail user organizations; and

(4) 1 member appointed by the Secretary from nominations submitted by hunting and fishing enthusiast organizations.

#### (c) Chairman

The Chair of the advisory committee shall be the government official referenced in subsection (b)(2) of this section, who shall serve as a non-voting member.

#### (d) Support for committee action

Any action, recommendation, or policy of the advisory committee must be supported by at least five of the members appointed under subsection (b)(1) of this section.

#### (e) Terms

Members of the advisory committee appointed by the Secretary shall be appointed for terms of three years, except that the members filling five of the eleven positions shall be initially appointed for terms of two years, with subsequent appointments to those positions extending for terms of three years.

#### (f) Duties

The advisory committee shall meet at least twice annually to—

- (1) review utilization of allocated moneys by States;
- (2) establish and review criteria for trail-side and trail-head facilities that qualify for funding under this chapter; and

(3) make recommendations to the Secretary for changes in Federal policy to advance the purposes of this chapter.

#### (g) Annual report

The advisory committee shall present to the Secretary an annual report on its activities.

#### (h) Reimbursement for expenses

Nongovernmental members of the advisory committee shall serve without pay, but, to the extent funds are available pursuant to section 1261(d)(1)(B) of this title, shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties.

#### (i) Report to Congress

Not later than 4 years after December 18, 1991, the Secretary shall prepare and submit to the Committee on Environment and Public Works of the Senate, and the Committee on Public Works and Transportation of the House of Representatives, a study which summarizes the annual reports of the National Recreational Trails Advisory Committee, describes the allocation and utilization of moneys under this chapter, and contains recommendations for changes in Federal policy to advance the purposes of this chapter.

(Pub. L. 102-240, title I, § 1303, Dec. 18, 1991, 105 Stat. 2068.)

## CHANGE OF NAME

Committee on Public Works and Transportation of House of Representatives changed to Committee on Transportation and Infrastructure of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

## TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided for by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 26 section 9511.

### CHAPTER 28—WILD AND SCENIC RIVERS

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|---------------|---|
| Sec.<br>1271. | Congressional declaration of policy.  |
| 1272.         | Congressional declaration of purpose.   |
| 1273.         | National wild and scenic rivers system. <ul style="list-style-type: none"> <li>(a) Composition; application; publication in Federal Register; expense; administration of federally owned lands.</li> <li>(b) Classification, designation, and administration of rivers.</li> </ul>  |
| 1274.         | Component rivers and adjacent lands. <ul style="list-style-type: none"> <li>(a) Designation.</li> <li>(b) Establishment of boundaries; classification.</li> <li>(c) Public inspection of maps and descriptions.</li> <li>(d) Comprehensive management plan for protection of river values; review of boundaries, classifications, and plans.</li> </ul> |